

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

MINUTES OF BOARD MEETING

Thursday, June 11, 2015, 10:02 a.m. to 2:11 p.m.

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive
Palm Desert, CA 92260

CALL TO ORDER

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Ellen Way at 10:02 a.m. on June 11, 2015, at Yucca Valley, California.

PLEDGE OF ALLEGIANCE

ROLL CALL (Board Members Only)

Regional Board Members Present:

Buford Crites, Ed Muzik, Nancy Wright, Ellen Way (Tom Davis – Absent)

The Board Clerk stated that a quorum was present.

Regional Water Board Counsel: Tom Vandenberg

Regional Board Staff Present:

Robert Perdue, Jose Angel, Terry Barnes, Mary Castañeda, Abdi Haile, John Carmona, Mary Serra, Kai Dunn, Doug Wylie, Maribel Jernegan, Rosalyn Fleming, Jose Cortez, Jennie Snyder

Others Present:

Claude Short, Public
Michael Reason, Geologic Associates
Rosanna Bayon Moore, City Manager for City of Brawley
Ruben Mireles, City of Brawley
Richard Hart, High Desert Water District
Ivory Reyburn, Coachella Valley Water District
William Brownlie, Tetra Tech
Kay Pricola, IVVGA/COLAB
Jayne Powell, Granite
Tami Roleff, 2107.7 FM
Bob Stadum, High Desert Water District
Jack Holt, Seeley County Water District
Curtis Yakimow, City Manager, Town of Yucca Valley

Mickey Luckman, JBWD
Chris Elliott, MCACC
Anetha Lue, CalEnergy
Mike Ludwin, Blythe Energy
Gary D. O'Gilvie, NREA/USMC
Rebecca Unger, JBWD
Emily Carranza, Public
Lillian Garcia, Public
Beatrice Scroggins, Board Member, Seeley County Water District
Richard Harlan, Public

MINUTES

1. Minutes of May 13, 2015 Board Meeting

MOTION: Buford Crites moved, Nancy Wright seconded, to approve Minutes. Ed Muzik abstained. Motion was carried.

PUBLIC FORUM

2. Curtis Yakimow, Town Manager for the Town of Yucca Valley, welcomed the Regional Board.

Jack Holt, P.E., Engineer for Seeley County Water District, discussed a 2011 Wastewater Compliance Plan implemented in 2013 using evaporation/percolation ponds. Due to changes in the sewer treatment plant operations to meet disinfection requirements the plant has increased discharge volumes resulting in problems with the new evaporation/percolation ponds. Mr. Angel, RB7 AEO, stated the enforcement staff will work with Seeley on resolving the issue.

Beatrice Scroggins, Board Member, Seeley County Water District, stated the Seeley County Water District has 4 new Board Members and that the Board is working to bring the District into compliance with RB requirements. Ms. Scroggins welcomed help from RB staff in reaching that goal. Chair Way thanked Ms. Scroggins for helping the Seeley community and expected the RB staff to be supportive.

Richard Harlan, Resident, Town of Yucca Valley, requested that future RB7 Meetings in Yucca Valley be noticed in the local press.

UNCONTESTED WASTE DISCHARGE REQUIREMENTS

3. R7-2015-0004 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the City of Brawley Wastewater Treatment Plant – Brawley, Imperial County (Renewal)

MOTION: Buford Crites moved, Ed Muzik seconded, and the motion carried 3 to 1, with Chair Way opposed. Order R7-2015-0004 be adopted with errata and amendment.

4. R7-2015-0005 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for the City of Calipatria Wastewater Treatment Plant – Calipatria, Imperial County (Renewal)

MOTION: Buford Crites moved, Ed Muzik seconded, and the motion carried unanimously Order R7-2015-0005 be adopted.

5. R7-2015-0022 Waste Discharge for Magma Power Company, Vulcan BN Geothermal, Imperial Magma, LLC, J. R. Smith, Landowners, and CalEnergy Operating Corporation, Operator, Region 2 Geothermal Power Plants, 7001 Gentry Road, Calipatria, Imperial County (Update)

MOTION: Buford Crites moved, Ed Muzik seconded, and the motion carried unanimously Order R7-2015-0022 be adopted with Errata.

6. R7-2015-0028 Waste Discharge Requirements for AltaGas Ltd., Blythe Energy Project, Blythe, Riverside County (Update)

MOTION: Buford Crites moved, Ed Muzik seconded, and the motion carried unanimously Order R7-2015-0028 be adopted.

7. R7-2015-0035 Waste Discharge Requirements for United States Marine Corps, Marine Air Ground Task Force Training Command, Marine Corps Air Ground Combat Center, Natural Resources/Environmental Affairs Division, Owner/Operator, USCM Fire Fighting Training Facility; Twentynine Palms, San Bernardino County (Update)

MOTION: Buford Crites moved, Ed Muzik seconded, and the motion carried unanimously Order R7-2015-0035 be adopted.

8. R7-2015-0036 Waste Discharge Requirements Closure/Post Closure Requirements for the Lucerne Valley Landfill, County of San Bernardino, Owner/Operator, San Bernardino County (Update)

MOTION: Buford Crites moved, Nancy Wright seconded, and the motion carried unanimously Order R7-2015-0036 be adopted.

9. R7-2015-0037 Waste Discharge Requirements Closure/Post Closure Requirements for Needles Landfill, County of San Bernardino, Owner/Operator, San Bernardino County (Update)

MOTION: PULLED

OTHER BUSINESS

10. Informational Update: State Water Resources Control Board Activities
Board counsel reported on relevant State Water Board actions taken that have been publically noticed.

11. Drinking Water Program –Cindy Forbes, P.E., Deputy Director, Drinking Water Division, SWRCB
Deputy Director Forbes explained that the Drinking Water Program was moved in July 2014 from the California Department of Public Health to the State Water Resources Control Board. Ms. Forbes said that in addition to the core regulatory functions of protecting public drinking water quality, her division also includes the Environmental Laboratory Accreditation Program (ELAP) and develops MCLs. Director Forbes pointed out that the 24 Drinking Water Division District Offices do not share boundaries with the 9 Regional Boards. Ms. Forbes stated that one of her goals is to establish a closer working relationship between the RBs and the Drinking Water Division. For example, the Drinking Water Division has established a recycled water unit that provided language for draft WDRs for HDWD’s proposed Waste Water Reclamation Plant. Ms. Forbes said there are 3000 regulated community drinking water systems in California. 700 of these systems serve more than 98% of Californians. The other 2,300 systems serve populations of less than 3300 people, some systems are as small as 15 houses/25 people. In addition there are more than 4500 unregulated non community systems. Finally, Ms. Forbes stated that the drought has placed over 100 systems in an emergency state of simply having no available water. She and her staff, along with the SWRCB Division of Financial Assurance, have worked to the best of their abilities to help these communities during this crisis.
12. Enforcement Policy for SEP’s, CP’s, ECA’s – Cris Carrigan, Chief SWRCB Office of Enforcement (OE), described how OE and the RBs work through the Enforcement Policy to implement in a transparent and consistent manner alternatives to monetary assessments for non-compliance. Mr. Carrigan outlined 3 alternatives: (1) Compliance Projects in which small disadvantaged communities apply Mandatory Minimum Penalty administrative civil liability towards fixing the problems that generated the MMPs; (2) Supplemental Environmental Projects in which dischargers apply up to 50% of discretionary penalties towards projects that improve the environment; and, (3) Enhanced Compliance Actions in which the discharger makes capital or operational improvements beyond those required by law. The RBs cannot compel these Enhanced Actions; instead the penalties are used to incentivize larger expenditures, previously contemplated as future outlays.
13. Salton Sea Update – Bill Brownlie, Ph.D., P.E., Chief Engineer for Tetra Tech.
Dr. Brownlie, who serves as a consultant for the Salton Sea Authority, presented a brief history of the Salton Sea. He described a number of proposed pilot projects for restoration of the Salton Sea. Dr. Brownlie explained the Authority is working with numerous federal and state agencies. Chair Way thanked Dr. Brownlie for his presentation.
14. Yucca Valley Septic Tank Prohibition
Mark Ban, HDWD Assistant General Manager Mr. Ban explained that the successful vote on the assessment district for the Waste Water Reclamation Facility gives the HDWD access to a 1%, 30-year loan from the SWRCB Division of Financial Assurance. Mr. Ban described the next steps in the design – build contracting process. All the Regional Board Members and the audience applauded this success.
15. Colorado River Basin Water Board Executive Officer’s Report — Mr. Perdue described the ongoing planning for the Drought and Urban Water Conservation Symposium to be held on June 26, 2015, at the Coachella Valley Water District in Palm Desert.

16. Colorado River Basin Water Board Member Comments
Members provided suggestions to the Executive Officer on the format of the Drought Symposium.
17. Colorado River Basin Water Board Chair's Report
Chair Way expressed appreciation for the outreach and educational efforts by the Town and Hi-Desert Water District (HDWD) leading to the successful assessment vote for the proposed HDWD Wastewater Reclamation Project.

CLOSED SESSION

18. At any time during the regular session, the Board may adjourn to meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee [Authority: Government Code Section 11126(a)]; to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

Review annual Performance Evaluation forms with Executive Officer.

The Board met in Closed Session to go over the evaluation forms each Board member filled out, which were compiled by the HR department. The discussion of that evaluation with Mr. Perdue has been scheduled for the September 17, 2015 Board meeting.

ARRANGEMENTS FOR NEXT BOARD MEETING: 9:00 a.m., THURSDAY, SEPTEMBER 17, 2015, PALM DESERT, CA.

ADJOURNMENT OF BOARD MEETING 2:11 p.m.